

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001 :

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: **AFFIDAVIT OF DENNIS G.**
: **PANTAZIS IN SUPPORT**
: **OF APPLICATION FOR**
: **CERTIFICATE OF DEFAULT**

:
: **1:03 MDL 1570 (GBD)(SN)**
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This Document Relates to
Ray, et al. v. Iran, et al.
1:19-cv-00012 (GBD)(SN)

I, DENNIS G. PANTAZIS, counsel for the *Ray* Plaintiffs, hereby submit this Affidavit in Support of the Application for Certificate of Default upon ALL Defendants and state, in support thereof, the following:

1. The Defendants upon which the *Ray* Plaintiffs seek a default judgment are the following: (1) Islamic Republic of Iran; (2) Iran's Ministry of Information and Security; (3) Islamic Revolutionary Guard Corps; (4) Iran's Ministry of Petroleum; (5) Iran's Ministry of Economic Affairs and Finance; (6) Iran's Ministry of Commerce; (7) Iran's Ministry of Defense and Armed Forces Logistics; (8) Central Bank of the Islamic Republic of Iran; (9) National Iranian Oil Company; (10) National Iranian Tanker Company; (11) National Iranian Gas Company; (12) National Iranian Petrochemical Company; (13) Iran Airlines; (14) Hezbollah; (15) Ayatollah Ali Hoseini-Khamenei; and, (16) the Estate of Ali Akbar Hashemi Rafsanjani, Deceased.

2. None of the aforementioned Defendants are an infant, are serving in the United States Armed Forces, or are otherwise incompetent or unavailable.

3. All of the *Ray* Defendants have failed to enter an appearance in this Court, and have not filed any responsive pleading to the Second Amended Complaint filed by the *Ray* Plaintiffs, or any other pleading filed by the *Ray* Plaintiffs, as required by § 1608(d) of the Foreign Sovereign Immunities Act, which governs this cause of action. *See* 28 U.S.C. § 1608(d).

4. The *Ray* Defendants were afforded greater than sixty (60) days to file responses, yet did not do so in that time.

5. The Second Amended Complaint, Notice of Suit, Amended Summons, and all Affidavits / Certifications from the translators were properly served on all Defendants in accordance with the provisions of the FSIA, by the Clerk of this Court, and through the United States Postal Service, and then the United States Department of State, via the Foreign Interests Section of the Embassy of the Swiss Confederation in Tehran, Iran.

6. On August 28, 2019, counsel for the *Ray* Plaintiffs hand-delivered eight pleadings packages (one for each *Ray* Political Subdivision Defendant) to the Foreign Mailings Clerk of Court for the Southern District of New York, who then dispatched all eight packages provided by the *Ray* Plaintiffs to Tehran, Iran via the United States Postal Service pursuant to FSIA § 1608(a)(3). *See Ray* Docket Nos. 173-179; MDL Docket Nos. 5004, 5005, 5007-09, 5011, 5012.

7. Further, on September 10, 2019, counsel for the *Ray* Plaintiffs hand-delivered nine additional service packages (one for each *Ray* Agency and Instrumentality Defendant, plus a second service package directed to an alternate address for *Ray* Defendant, the Central Bank of Iran) to the Foreign Mailings Clerk of Court for the SDNY, who docketed and then dispatched

all nine packages provided by the *Ray* Plaintiffs to Tehran, Iran via the United States Postal Service pursuant to FSIA §1608(b)(3)(B).

8. Clerk's Certificates of Mailing were entered on the *Ray* docket on October 4, 2019 and October 11, 2019 certifying that these nine packages were sent by the SDNY Clerk's Office on September 18, 2019 by registered U.S. Mail. *Ray* Docket Nos. 180-189.

9. The initial pleading documents sent to all *Ray* Defendants by United States Mail requiring a signed receipt, which were docketed and dispatched by the SDNY Clerk of Court in August 2019 and early-September 2019 were: (1) separate cover letters; (2) the Second Amended Complaint, filed in the U.S. District Court for the Southern District of New York, dated May 6, 2019 (*Ray* Docket No. 139); (3) a Notice of Suit, pursuant to 22 C.F.R. 93.2, dated May 10, 2019, along with the text of FSIA, 28 U.S.C. §1602, *et seq.*; and, (4) Amended Summons in a Civil Action, dated August 7, 2019. *Ray* Docket No. 172. Plaintiffs' hand-delivery to the Foreign Mailings Clerk of Court for the United States District Court for the Southern District of New York also included translations of each document into Farsi and certified affidavits by the translators. *Id.*

10. The *Ray* Plaintiffs did not receive any signed receipts for any of their USPS mailings to Iran.

11. On October 29, 2019, the SDNY Clerk of Court docketed and dispatched eight pleadings packages to the State Department for diplomatic service on the *Ray* political subdivision Defendants pursuant to FSIA §1608(a)(4). *See Ray* Docket Nos. 191-198; MDL Docket Nos. 5238-9, 5241-2, 5244-7.

12. This Court has previously issued a Certificate of Default against the *Ray* political subdivision Defendants only on February 12, 2020. *See Ray* Docket 209¹. *See also*, notarized Affidavit of Service on *Ray* Political Subdivision Defendants by Timothy B. Fleming, Esq., dated February 7, 2020, and supporting exhibits attached thereto. *Ray* Docket No. 204.

13. Subsequently, the *Ray* Plaintiffs moved for and obtained letters rogatory to enable the United States Department of State to serve the *Ray* “Agency and Instrumentality” Defendants on October 14, 2020 (*Ray* Docket No. 228 (Memorandum of Law in Support at *Ray* Docket No. 229)) and such letters rogatory were issued on November 5, 2020. *Ray* Docket No. 233.

14. On April 7, 2021, the *Ray* Plaintiffs moved for a Court Order directing the SDNY Clerk to docket and dispatch the pleadings materials for the *Ray* Agency and Instrumentality Defendants. *Ray* Docket Nos. 236 and 237 (Memorandum of Law in Support). The *Ray* Plaintiffs’ motion was granted on April 20, 2021. *Ray* Docket No. 238.

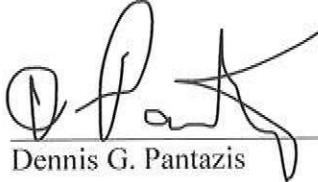
15. Therefore, the Affiant respectfully requests that a Certificate of Default be issued by the Clerk of Court as to ALL *Ray* Defendants.

FURTHER THE AFFIANT SAYETH NOT.

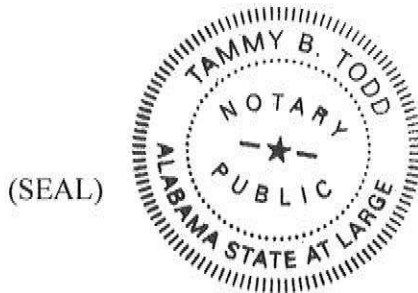
This Affidavit is comprised of fifteen (15) separately numbered paragraphs.

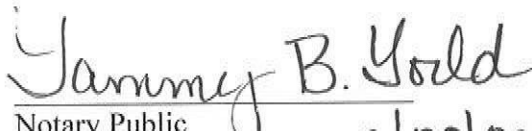
¹ On February 2, 2020, due to problems with the ECF system, counsel for the *Ray* Plaintiffs requested the Court’s permission for to proceed with filings on the *Ray* docket alone in regard to matters pertaining to obtaining a default judgment in that case. MDL Docket No. 5886. Magistrate Judge Netburn granted the *Ray* Plaintiffs’ motion on February 11, 2020. *Ray* Docket No. 206; MDL Docket No. 5899.

I, **DENNIS G. PANTAZIS**, being duly sworn, do hereby swear and affirm under penalty of perjury that the contents of this Affidavit are true and correct to the best of my knowledge, information, and belief.


Dennis G. Pantazis

Sworn to and subscribed before me this 18th day of 2022, in Alabama.




Notary Public
My Commission Expires: 8/28/2022

RESPECTFULLY SUBMITTED,

Date: August 18, 2022

/s/ Dennis G. Pantazis
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